IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 34014 of 2006(Y)

PETITIONERS:
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1. Y.LUCOSE,
   ST.PATRIC HOUSE, MANAKKARA,
   SASTHAMCOTTA, KOLLAM.

2. JULY AMMA, W/O. LATE S.THOMAS,
   PLAVILA PADINJATTATHIL, MANAKKARA,
   SASTHAMCOTTA, KOLLAM.

3. JILLARIOS,
   CHAMAVILA, MANAKKARA, SASTHAMCOTTA,
   KOLLAM.

4. HAMEEDU KUNJU,
   CHAMAVILA KIZHAKKATHIL, MANAKKARA,
   SASTHAMCOTTA, KOLLAM.

5. YOOSUF KUNJU,
   PANAPPURATHU VEEDU, MANAKKARA,
   SASTHAMCOTTA, KOLLAM.

6. SARAMMA,
   LOOSSEY MANGALATHU, MANAKKARA,
   SASTHAMCOTTA, KOLLAM.

7. SAINABA BEEVI,
   VARAMBIL THEKKATHIL, WEST KALLADA,
   KOLLAM.

8. NABEESA BEEVI,
   PALLIYUDE VADAKKETHIL, MANAKKARA,
   SASTHAMCOTTA, KOLLAM.

9. STEPHEN,
   MABLE VILASOM, MANAKKARA, SASTHAMCOTTA,
   KOLLAM.

10. NELSON,
    PUSHPAVANATHIL, MANAKKARA, SASTHAMCOTTA,
    KOLLAM.

11. MARY AUGUSTINE, D/O. AUGUSTINE,
    THUNDIL HOUSE, MANAKKARA,
    SASTHAMCOTTA, NOW RESIDING AT THATTUVILA VEEDU,
    KANJIRAMCODE, KUNDARA P.O., MULAVANA VILLAGE,
    KOLLAM.

12. THOBIAS CLEETUS,
    KALLUVILA PADINJATTATHIL, MANAKKARA,
    SASTHAMCOTTA, KOLLAM.

13. IBRAHIMKUTTY,
    PEEDIKAYIL VEEDU, MANAKKARA,
    SASTHAMCOTTA, KOLLAM.

14. GEORGE CLEMANT,
    LOOSSEY MANGALATHU, MANAKKAR, SASTHAMCOTTA,
    KOLLAM.

15. SHAMSUDEEN KUNJU,
    PENNEZHATHU VEEDU, MANAKKARA,
    SASTHAMCOTTA, KOLLAM.

16. GREGORY MYCHAEL,
    SHRINE VIEW, ANJILIMOODU, SASTHAMCOTTA,
    KOLLAM.

17. IBRAHIMKUTTY,
    CHAMAVILAYIL, KOLLAM, MANAKKARA,
    SASTHAMCOTTA, KOLLAM.

18. DAISY, W/O. SEBASTIAN,
    ARCHANA, FROM ST.PATRIC HOUSE,
    MANAKKARA, SASTHAMCOTTA, KOLLAM.

19. ARKANS JOSEPH,
    ST.PATRIC HOUSE, MANAKKARA, SASTHAMCOTTA,
    KOLLAM.

20. NIRMALA,
KALLUVILA PADINJATTATHIL, MANAKKARA,
SASTHAMCOTTA, KOLLAM.

21. ABOOBACKER KUNJU,
PINARUVILA VEEDU, PALLISERIKKAL,
SASTHAMCOTTA, NOW RESIDING AT
KANIYANKAVULLATHIL, MANAKKARA, KOLLAM.

22. SILVESTER, S/O. LATE ANNA,
VADAKKE THUNDIL KIZHAKKATHIL, MANAKKARA,
SASTHAMCOTTA, KOLLAM.

BY ADV. SRI.S. SUNIL NARAYANAN
ADV. SMT. HARIPRIYA S.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, IRRIGATION DEPARTMENT,
TRIVANDRUM.

2. DISTRICT COLLECTOR,
KOLLAM.

3. THE SPECIAL TAHSILDAR, (L.A.),
KOTTIYAM, KOLLAM.

BY GOVERNMENT PLEADER ADV. SHRI BENNY VARGHESE.
BY ADDL.ADVOCATE GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

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W.P.(C) No. 34014 OF 2006

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Dated this the 8th January , 2007

J U D G M E N T

Lands belonging to the petitioners were acquired for the purpose of erecting Chavara distributory of the right bank canal of the Kallada Irrigation Project as per notification dated 19.01.1983. The award passed in favour of the petitioners has become final and no application for reference was made by them. However in L.A.R. No.140/1996, Ext.P1 judgment was passed, enhancing compensation amount in favour of two other persons. Petitioners filed Exts. P2 to P23 applications under section 28A of the Land Acquisition Act .

2. Learned Government Pleader submitted that applications were received on 09.12.2004. Those applications were not disposed of so far. The prayer in the Writ Petition is for issue of a writ of mandamus directing respondents Nos. 2 and 3 to consider and dispose of Exts. P2 to P23 applications under section 28A of the Land Acquisition Act . It is submitted

by the Government Pleader that hundreds of applications under section 28A of the Land Acquisition Act are pending before the 3rd respondent and that the applications are being disposed of in accordance with the priority.

3. There will be a direction to the third respondent to dispose of Exts.P2 to P23 applications in accordance with the priority, at any rate, within a period of three months from today.

Writ Petition is allowed as above.

K.T. SANKARAN,
JUDGE.

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